

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN BAX,
Petitioner,
v.
H.J. MARBERRY, Warden,
Respondent. } Civil Action No. 06-296 Erie

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on December 15, 2006 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on January 4, 2007, recommended that the Petitioner's motion for leave to proceed *in forma pauperis* be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at FCI McKean, where he is incarcerated. Petitioner has filed no objections to Magistrate Judge Baxter's Report and Recommendation. After *de novo* review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 26th day of January, 2007,

IT IS HEREBY ORDERED that the Petitioner's Motion [2] for Leave to Proceed *In Forma Pauperis* be DENIED.

The Report and Recommendation of Magistrate Judge Baxter, filed on January 4, 2007 [3], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge